

## **Remarks**

### **Introduction**

Claims 1-14 and 18-32 are herein canceled in light of the election made by phone on June 7, 2006. Applicant herein confirms that election and cancels the non-elected claims.

Applicant appreciates the indication that claims 33, 34, and 37 appear to contain allowable subject matter.

Applicant herein amends claims 36 and 37 to depend from claim 35. Applicant regrets the typographical errors that mischaracterized the dependency of these claims from claim 34. However, proper antecedent basis is established when the claims depend from claim 35, not claim 34. No new matter is added.

New claims 38-45 are added and directed to the nature of the association between the players. No new matter is added. While Applicant has added eight claims, Applicant has also canceled twenty-eight claims, so no new fee should be required.

Applicants hereby respectfully request reexamination and reconsideration of the pending claims in light of the amendments and remarks provided herein and in accordance with 37 C.F.R. §1.112.

### **The Office Action's Rejections**

#### **Double Patenting**

**Claims 15, 16, and 33-37** were rejected under the judicially created doctrine of obviousness-type double patenting over U.S. Patent Nos. 6,172,872; 6,206,782; 6,312,332; 6,712,699; or 6,733,390. Without admitting the propriety of this rejection, Applicant herein submits a terminal disclaimer for these five patents. Applicant requests withdrawal of the double patenting rejection at this time.

#### **35 U.S.C. § 102(b)**

**Claims 15, 16, and 35-37** were rejected under 35 U.S.C. § 102(b) as being anticipated by Piechowiak et al. (hereinafter "Piechowiak"). Applicant respectfully traverses. For the Patent Office to prove anticipation, the Patent Office must show where each and every element of the claims is taught within the reference. Furthermore, the elements of the reference must be arranged as claimed. MPEP § 2131.

**Claim 15** recites receiving a first input from a first player at a first gaming device; receiving a second input from a second player at a second gaming device; and generating, based on both the first input and the second input, an outcome. Relevant to note is that the inputs come from the first player and second player. The Patent Office does not address this claim element. Rather, the Patent Office indicates that Piechowiak teaches “generating an outcome comprising indicia” and cites col. 3, lines 5-12, 22-26, and 65 (Office Action of June 27, 2006, p. 5, lines 18-19). Applicant has reviewed the Piechowiak and notes that the reference teaches enabling a feature based on criteria, and that the criteria may be a specified number of occurrences of a predetermined combination of indicia (Piechowiak, col. 3, lines 5-9). However, the occurrences of a predetermined combination of indicia are not inputs from the players as recited in the claims. To this extent, the reference does not teach a claim element. Since the reference does not teach a claim element, the reference cannot anticipate **claim 15**.

**Claims 16 and 17** depend from claim 15 and are not anticipated at least for the same reasons.

**Claim 16** recites that the outcome comprises a plurality of symbols derived from the reels of the first and second gaming devices. The Patent Office cites Piechowiak col. 3, lines 10-13 and 22-25. However, the cited passages do not teach the claim element. Col. 3, lines 10-13 state in full “Thus, for example, the feature may be enabled for a system of linked slot machines when four like symbols have been displayed a total of four times by the linked slot machines.” While this passage does refer to symbols on the slot machines, the outcome generated based on the first and second input is not a plurality of those symbols. Rather, the outcome is the enablement of the feature. Likewise, Col. 3, lines 22-25 states in full: “if the feature enabling criteria has been met (step 210) by the game results, feature controller 110 enables the feature (step 212), and this enabled feature is now prominently displayed (step 213) by output display 128 to attract new. . . .” Again, this display is not a plurality of symbols, but rather is a display of the feature, i.e., bonus awards, increased possibility of winning combinations, etc. (col. 1, lines 55-57). Such a feature is not an outcome comprised of a plurality of symbols derived from the reels of the first and second gaming devices. If the Patent Office disagrees, Applicant requests clarification as to what precisely within the reference is being construed to be the outcome and how it is based on the first and second player inputs.

**Claim 35** recites determining an outcome at a first device and outputting on the display of the second device played by the second player an indication of the outcome obtained by the first player. The Patent Office paraphrases this element as “outputting an indication of the outcome obtained” (Office Action of June 27, 2006, p. 5, lines 22-23) without addressing where Piechowiak shows outputting the indication on the second device. Later, the Patent Office generally cites *supra*, without explanation. Applicant has studied the various citations to Piechowiak earlier in the Office Action (Col. 3, lines 5-13, 22-36, and 65) and finds no teaching of display on the second device. The closest Applicant can find in the reference is that the feature controller 110 enabling the feature and that the enabled feature is prominently displayed by output display 128. However, displaying the enabled feature is not what is recited. Rather, the outcome must be displayed on the second device and the second device must be played by the second player. The second player does not play the output device 128. To this extent, the reference does not teach the claim element. Since the reference does not teach the claim element, the reference does not anticipate **claim 35**.

**Claims 36 and 37** depend from claim 35 and are allowable at least for the same reasons.

#### **Claim 17**

Applicant notes that **claim 17** is never addressed in the Office Action. Applicant maintains that claim 17 is allowable as originally presented. Furthermore, for at least the reasons set forth above with respect to claim 15, Applicant submits claim 17 is in condition for allowance. If the Patent Office intended to reject claim 17 on some basis other than Piechowiak, Applicant requests that this be treated as a new basis for rejection of a non-amended claim and that Applicant be given full opportunity to respond to such.

#### **New claims 38-45**

New claims **38-45** depend from claims 15 and 35 and are allowable for at least the same reasons that the independent claims are allowable. Furthermore, the new claims are directed to the team play nature of the relationship between the players. Piechowiak does not teach or suggest such team play concepts and this provides an additional reason that the claims are allowable over the rejection of record.

## **Conclusion**

At least for the foregoing reasons, it is submitted that all claims are now in condition for allowance, or in better form for appeal, and the Examiner's early re-examination and reconsideration are respectfully requested.

Alternatively, if there remain any questions regarding the present application or the cited reference, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is cordially requested to contact Taylor M. Davenport at telephone number 203-461-7228 or via electronic mail at [tdavenport@walkerdigital.com](mailto:tdavenport@walkerdigital.com), at the Examiner's convenience.

## **Authorization to Charge Fees**

Applicants do not believe an extension of time to make this Amendment and Response timely is necessary. However, should an extension of time be necessary, please grant a petition of an extension of time necessary to make this submission timely. Additionally, please charge any fees that may be required for this submission as follows:

Deposit Account: 50-0271

Order No. 03-068

Charge any additional fees or credit any overpayment to the same account.

Respectfully submitted,

September 7, 2006  
Date

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